

1 Jeff D. Friedman (173886)
2 Shana E. Scarlett (217895)
3 HAGENS BERMAN SOBOL SHAPIRO LLP
4 715 Hearst Avenue, Suite 202
5 Berkeley, CA 94710
6 Telephone: (510) 725-3000
7 Facsimile: (510) 725-3001
8 jefff@hbsslaw.com
9 shanas@hbsslaw.com

10 Steve W. Berman (*Pro Hac Vice*)
11 George W. Sampson (*Pro Hac Vice*)
12 HAGENS BERMAN SOBOL SHAPIRO LLP
13 1918 Eighth Avenue, Suite 3300
14 Seattle, WA 98101
15 Telephone: (206) 623-7292
16 Facsimile: (206) 623-0594
17 steve@hbsslaw.com
18 george@hbsslaw.com

19 Interim Lead Counsel for Indirect
20 Purchaser Plaintiffs

21 *[Additional Counsel Listed on
22 Signature Page]*

23 UNITED STATES DISTRICT COURT
24 NORTHERN DISTRICT OF CALIFORNIA
25 SAN FRANCISCO DIVISION

26 IN RE OPTICAL DISK DRIVE PRODUCTS
27 ANTITRUST LITIGATION

MDL No. 3:10-md-2143 RS

28 STIPULATION AND ~~PROPOSED~~
ORDER SUPPLEMENTING
STIPULATED PROTECTIVE ORDER
REGARDING CONFIDENTIALITY OF
NON-PARTY DOCUMENTS AND
MATERIALS

DATE ACTION FILED: Oct. 27, 2009

29 This Document Relates to:
30 ALL ACTIONS

1 In order to protect confidential information obtained from certain non parties in connection
2 with the above-captioned action, Plaintiffs and Defendants (collectively with Plaintiffs, the
3 “Parties”), by and through their undersigned attorneys, hereby stipulate as follows:

4 1. This stipulation supplements the Stipulated Protective Order that was ordered by the
5 Court in the above-captioned action on December 15, 2010 (“Protective Order”). See ECF No.
6 323. All definitions from Section 2 of the Protective Order shall apply to this Order
7 Supplementing Stipulated Protective Order Regarding Confidentiality of Non Party Documents and
8 Materials.

9 2. In addition to the provisions and protections contained in the Protective Order, the
10 following shall apply to documents and information produced by Non Parties in connection with
11 this action.

12 3. Any Party or Non-Party may designate any documents or materials produced by a
13 Non-Party, including interrogatory responses, other discovery responses, or transcripts, as
14 “OUTSIDE COUNSEL ONLY” if it reasonably and in good faith believes that such documents or
15 materials contain confidential information so commercially sensitive that the protections afforded
16 by the “CONFIDENTIAL” designation in the Protective Order are insufficient to adequately
17 protect the Party’s or Non-Party’s interests.

18 4. Except as expressly provided below, any documents or materials designated as
19 “OUTSIDE COUNSEL ONLY” may be used only for purposes of this action and shall not be
20 given, shown, made available or communicated in any way to anyone except:

- 21 a. the Court, court personnel and court reporters;
- 22 b. the Receiving Party’s Outside Counsel of Record in this action, as well as
23 employees of said Outside Counsel of Record to whom it is reasonably necessary to disclose the
24 information for this litigation;
- 25 c. court reporters who record deposition or other testimony in the litigation;
- 26
- 27

d. Experts and/or Consultants retained by the Parties with respect to each of whom (1) disclosure is reasonably necessary for this litigation, and (2) an "Agreement To Be Bound by Protective Order" (Exhibit A) has been signed;

e. any person who is indicated on the face of a document to have been an author, addressee or copy recipient thereof;

f. any other person whom the Designating Party agrees to in writing prior to any such disclosure; and

g. Professional Vendors to whom disclosure is reasonably necessary for this litigation and who have signed the "Agreement To Be Bound by Protective Order" (Exhibit A).

6. In the event that a Party deems it necessary to disclose any document designated as "OUTSIDE COUNSEL ONLY" to any person not specified in Paragraph 5, that Party shall notify the Producing Party in writing of: (i) the document it wishes to disclose; and (ii) the persons to whom such disclosure is to be made. The proposed disclosure shall not be made absent written permission from the designating third party, unless the party wishing to make the disclosure obtains an order from the appropriate United States District Court.

7. Any document designated as "OUTSIDE COUNSEL ONLY" that is used in connection with any court proceeding shall not lose its outside counsel only status through such use, and the Parties shall take all steps reasonably required to protect its confidentiality during such use, including the notice and filing under seal procedures provided in the operative Protective Order.

IT IS SO STIPULATED.

DATED: August 21, 2012

HAGENS BERMAN SOBOL SHAPIRO LLP

By /s/ Shana E. Scarlett
SHANA E. SCARLETT

1 Jeff D. Friedman (173886)
2 715 Hearst Avenue, Suite 202
3 Berkeley, CA 94710
4 Telephone: (510) 725-3000
5 Facsimile: (510) 725-3001
6 jefff@hbsslaw.com
7 shanas@hbsslaw.com

8 Steve W. Berman (*Pro Hac Vice*)
9 George W. Sampson (*Pro Hac Vice*)
10 HAGENS BERMAN SOBOL SHAPIRO LLP
11 1918 Eighth Avenue, Suite 3300
12 Seattle, WA 98101
13 Telephone: (206) 623-7292
14 Facsimile: (206) 623-0594
15 steve@hbsslaw.com
16 george@hbsslaw.com

17 Interim Lead Counsel for Indirect
18 Purchaser Plaintiffs

19 DATED: August 21, 2012

SAVERI & SAVERI, INC.

20 By /s/ Guido Saveri
21 GUIDO SAVERI (22349)

22 706 Sansome Street
23 San Francisco, CA 94111
24 Telephone: (415) 217-6810
25 Facsimile: (415) 217-6813
26 guido@saveri.com

27 Counsel for Proposed Direct Purchaser Class

28 DATED: August 21, 2012

LATHAM & WATKINS LLP

By /s/ Belinda S. Lee
BELINDA S. LEE

505 Montgomery Street, Suite 2000
San Francisco, CA 94111
Telephone: (415) 395-8240
Facsimile: (415) 395-8095
belinda.lee@lw.com

Counsel for Defendants
TOSHIBA CORPORATION TOSHIBA SAMSUNG
STORAGE TECHNOLOGY CORP.; and TOSHIBA
SAMSUNG STORAGE TECHNOLOGY KOREA
CORP.

1 DATED: August 21, 2012

DLA PIPER LLP

2 By /s/ David H. Bamberger
3 DAVID H. BAMBERGER

4 500 8th Street, N.W.
5 Washington, DC 20004
6 Telephone: (202) 799-4500
7 Facsimile: (202) 799-5000
8 david.bamberger@dlapiper.com

9 Counsel for Defendants
10 *TEAC CORPORATION*
11 *TEAC AMERICA INC.*

12 DATED: August 21, 2012

BAKER BOTTS L.L.P.

13 By /s/ John Taladay
14 JOHN TALADAY

15 1299 Pennsylvania Ave NW
16 Washington, DC 20004
17 Telephone: (202) 383-7199
18 Facsimile: (202) 383-6610
19 john.taladay@bakerbotts.com

20 Counsel for Defendants
21 *KONINKLIJKE PHILIPS ELECTRONICS N.V.*
22 *LITE-ON IT CORPORATION*
23 *PHILIPS & LITE-ON DIGITAL SOLUTIONS CORP.*
24 *PHILIPS & LITE-ON DIGITAL SOLUTIONS USA,*
25 *INC.*

26 DATED: August 21, 2012

VINSON & ELKINS LLP

27 By /s/ Matthew J. Jacobs
28 MATTHEW J. JACOBS

525 Market Street, Suite 2750
San Francisco, CA 94105
Telephone: (415) 979-6900
Facsimile: (415) 651-8786
mjacobs@velaw.com

Counsel for Defendant
HITACHI, LTD.

1
2 DATED: August 21, 2012

ROPES & GRAY LLP

3 By /s/ Michelle Visser
4 MICHELLE VISSER

5 Three Embarcadero Center
6 San Francisco, CA 94111-4006
7 Telephone: (415) 315-6300
8 Facsimile: (415) 315-6350
9 michelle.visser@ropesgray.com

10 Counsel s for Defendants
11 *HITACHI-LG DATA STORAGE, INC.*
12 *HITACHI-LG DATA STORAGE KOREA, INC.*

13 DATED: August 21, 2012

Eimer Stahl LLP

14 By /s/ Nathan P. Eimer
15 NATHAN P. EIMER

16 224 South Michigan Avenue, Suite 1100
17 Chicago, IL 60604
18 Telephone: (312) 660-7601
19 Facsimile: (312) 692-1718
20 neimer@eimerstahl.com

21 Counsel for Defendant
22 *LG ELECTRONICS, INC.*
23 *LG ELECTRONICS USA, INC.*

24 DATED: August 21, 2012

BOIES SCHILLER & FLEXNER LLP

25 By /s/ John F. Cove
26 JOHN F. COVE, JR.

27 1999 Harrison Street, Suite 900
28 Oakland, CA 94612
Telephone: (510) 874-1000
Facsimile: (510) 874-1460
jcove@bsflp.com

Counsel for Defendants
SONY CORPORATION
SONY OPTIARC AMERICA, INC.
SONY OPTIARC, INC.

1
2 DATED: August 21, 2012

O'MELVENY & MYERS LLP

3 By /s/ Ian Simmons
4 IAN SIMMONS

5 1625 Eye Street, NW
6 Washington, DC 20006
7 Telephone: (202) 383-5106
8 Facsimile: (202) 383-5414
9 isimmons@omm.com

10 Counsel for Defendant
11 *SAMSUNG ELECTRONICS CO., LTD.*

12 DATED: August 21, 2012

DICKSTEIN SHAPIRO LLP

13 By /s/ Joel B. Kleinman
14 JOEL B. KLEINMAN

15 1825 Eye Street NW
16 Washington, DC 20006-540
17 Tel: 202-420-2200
18 Fax: 202-420-2201
19 kleinmanj@dicksteinshapiro.com

20 Counsel for Defendants
21 *BENQ CORPORATION*
22 *BENQ AMERICA CORP.*

23 DATED: August 21, 2012

WINSTON & STRAWN LLP

24 By /s/ Robert B. Pringle
25 ROBERT B. PRINGLE

26 Paul R. Griffin
27 Jonathan E. Swartz
28 101 California Street, Suite 3900
San Francisco, CA 94111
Tel: 415-591-1000
Fax: 415-591-1400
rpringle@winston.com
pgriffin@winston.com
jswartz@winston.com

Counsel s for Defendant
NEC CORPORATION

1
2 DATED: August 21, 2012

WINSTON & STRAWN LLP

3 By /s/ Jeffrey L. Kessler
4 JEFFREY L. KESSLER

5 200 Park Avenue
6 New York, NY 10166
7 Telephone: (212) 294-6700
8 Facsimile: (212) 294-4700
9 jkessler@dl.com

Counsel for Defendants
PANASONIC CORPORATION
PANASONIC CORPORATION OF NORTH
AMERICA

10 DATED: August 21, 2012

CONNOLLY BOVE LODGE & HUTZ LLP

11 By /s/ Minda R. Schechter
12 MINDA R. SCHECHTER

13 333 S. Grand Avenue, Suite 2300
14 Los Angeles, CA 90071
15 Telephone: (213) 787-2500
16 Facsimile: (213) 687-0498
17 mschechter@cblh.com

Counsel for Defendants
QUANTA STORAGE INC.
QUANTA STORAGE AMERICA INC.

18
19
20 IT IS SO ORDERED.

21
22 DATED: 8/23/12



HONORABLE ~~RICHARD SEEBORG~~ Joseph C. Spero
UNITED STATES DISTRICT COURT JUDGE
MAGISTRATE

CERTIFICATE OF SERVICE

I hereby certify that on August 21, 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses registered, as denoted on the Electronic Mail Notice List, and I hereby certify that I have caused to be mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the Manual Notice List generated by the CM/ECF system.

/s/ Shana E. Scarlett
SHANA E. SCARLETT